

REMARKS**Status of the Claims**

Claims 1, 3-4, 8, 10-11, 15, and 17-18 are currently present in the Application, and claims 1, 8, and 15 are independent claims. Claims 1, 3-4, 8, 10-11, 15, and 17-18 have been amended, claims 6-7, 13-14, and 20-21 have been canceled, and no claims have been added.

Applicants are not conceding that the subject matter encompassed by claims 1-27, prior to this amendment, are not patentable over the art cited by the Examiner. Claims 1, 3-4, 8, 10-11, 15, and 17-18 were amended and claims 6-7, 13-14, and 20-21 were canceled in this Amendment solely to facilitate expeditious prosecution of this Application. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1-27 as presented prior to this Amendment, and additional claims in one or more continuing applications.

Examiner Interview

Applicants note with appreciation the telephonic interview conducted between Applicants' representative and the Examiner on Management application backup utility, rch 5, 2009. During the telephonic interview, the Examiner and Applicants' representative discussed some of the 103 references (Stack et al., U.S. 6,138,155, Garg, et al., U.S. 2003/0208408, and Kitada, et al., U.S. 7,216,070). In particular, Applicants' representative discussed that the cited art does not teach or suggest certain aspects of Applicants' invention pertaining to Applicants' embedded program. No agreement was reached regarding the claims.

Claim Objections

Claim 18 stands objected to due to minor typographical errors. Applicants have amended claim 18 accordingly, and request removal of the objection to claim 18 in the next Office communication.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 3-4, 6-8, 10-11, 13-15, 17-18, and 20-21 stand rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter rendering the claim indefinite. Claims 6-7, 13-14, and 20-21 have been canceled in this response and, therefore, rejections to these claims are moot. Independent claims 1, 8, and 15 have been amended accordingly in this response and, therefore, Applicants request the removal of the 112 rejection to claims 1, 3-4, 8, 10-11, 15, and 17-18 in the next Office communication.

Claim Rejections - Alleged Anticipation Under 35 U.S.C. § 103

Claims 1, 4, 6, 8, 11, 13, 15, 18, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stack, et al. (US 6,076,070) in view of Garg, et al. (US 2003/0208408) in view of Kitada, et al. (US 7,216,070) in view of Official Notice. Applicants respectfully traverse these rejections. Claims 6, 13, and 20 have been canceled in this response and, therefore, rejections to these claims are moot.

Claims 7, 14, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stack in view of Garg in view of Kitada in view of Official Notice in view of Hidaka, et al. (US 2004/0030687). Limitations found in dependent claims 7, 14, and 21 have been incorporated into their respective independent claims in this response. As such, claims 7, 14, and 21 have been canceled and rejections to these claims are moot.

In addition to incorporating limitations previously found in dependent claim 7 into independent claim 1, Applicants have included limitations into independent claim 1 that further describe a provider server analyzing provider position data within a page of data. Support for such amendment may be found in Applicants' specification on page 19, line 12 through page 20, line 12. Therefore, no new matter is added with such amendment. As amended, independent claim 1 is directed to a method with limitations comprising:

- receiving, at a provider server, a contribution request from a portal server over a computer network, the contribution request originating from a client;

- at the provider server, including provider data and an embedded program in a contribution response, wherein the embedded program is adapted to extract a provider page position that corresponds to a location of the provider data on a page of data generated by the portal;
- sending the contribution response over the computer network from the provider server to the portal server;
- receiving, from the client, the provider page position at the provider server;
- determining that the provider page position does not meet an acceptable page position of a provider corresponding to the provider server; and
- notifying the provider that the provider page position does not meet the acceptable page position.

When a provider server receives a request for data from a portal, the provider typically sends provider data to the portal that, in turn, the portal includes into a page of data and sends to a requesting client. As a result, prior to Applicants' invention, the provider server was not able to analyze the provider data's location on the portal-generated page of data. For example, the portal may generate a page of data and include the provider data at the bottom of the page of data that, in turn, may not be viewed by a user.

In order to alleviate this issue, Applicants' provide a contribution response to a portal that includes provider data and an embedded program. The portal includes the embedded program into the page of data that is sent to the client. In turn, the embedded program determines the "page position" of the provider data in the page of data and sends the provider page position to the provider server. In turn, the provider server determines that the provider page position does not meet a provider's acceptable page position and notifies the provider accordingly.

In contrast, Hidaka discloses a method of extracting data from web pages in order to display them in a summary format, such as when a user requests product pricing information. Hidaka discusses that vendor websites typically display information in tabular form, which creates complications when trying to mechanically judge where

information exists on a webpage in order to retrieve specific product information. As such, Hidaka uses an “extracting section” to extract data from a list structure. Hidaka states:

“For this purpose, the extracting position information identifying section 33 comprises a list structure extracting section 53 for extracting a data object from a list structure such as ,UL>, , or in the HTML object acquired by the HTML acquiring section 32, a table structure extracting section 54 for extracting a data object from a table structure, and an information presenting position identifying section 55 for extracting, when a table tag is nested, a portion surrounded by inner table tags.” para. 49)

As can be seen, Hidaka uses position information to locate data in which to extract, which is opposite of identifying data and then determining it's location on a page of data. In addition, Hidaka never uses the location information to determine whether the data is in an acceptable page position. Rather, Hidaka is focused on the data itself in which to present to a user. Therefore, Hidaka never teaches or suggests *“receiving, from the client, the provider page position at the provider server; determining that the provider page position does not meet an acceptable page position of a provider corresponding to the provider server; and notifying the provider that the provider page position does not meet the acceptable page position”* as claimed by Applicants. The Office Action does not suggest that Stack, Garg, Kitada, or Official Notice teach such page position limitations and, indeed Stack, Garg, Kitada, or Official Notice do not teach such limitations.

Therefore, since Stack, Garg, Kitada, Official Notice, or Hidaka do not teach or suggest, either in whole or in part, all the limitations included in independent claim 1 as amended, claim 1 is allowable over Stack in view of Garg in view of Kitada in view of Official Notice in view of Hidaka. Independent claim 8 is an information handling claim including similar limitations as claim 1 and, therefore, is allowable for at least the same reasons that claim 1 is allowable. Independent claim 15 is a computer program product claim including similar limitations as claim 1 and, therefore, is allowable for at least the same reasons that claim 1 is allowable.

Each of claims 4, 11, and 18 each depend, either directly or indirectly, upon one of the allowable independent claims 1, 8, or 15. Therefore, each of claims 4, 11, and 18 are allowable for at least the same reasons that their respective independent claims are allowable.

Claims 3, 10, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stack in view of Garg in view of Kitada in view of Official Notice in view of Ferreira (US 2005/0065853). Claims 3, 10, and 17 depend upon independent claims 1, 8, and 15, respectively. Therefore, claims 3, 10, and 17 are allowable for at least the same reasons that their respective independent claims are allowable as discussed above.

Conclusion

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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